UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,833	11/02/1999	JOSEPH PHILLIP BIGUS	IBM/02B	9272

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ART UNIT	PAPER NUMBER
3621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/431,833
Filing Date: November 02, 1999
Appellant(s): BIGUS ET AL.

SCOTT STINEBRUNER
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 15th, 2004.

(1)   *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2)   *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4)   *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5)   *Summary of Invention*

The summary of invention contained in the brief is correct.

(6)   *Issues*

The appellant's statement of the issues in the brief is correct.

(7)   *Grouping of Claims*

Appellant's brief includes a statement that claims 54-63, 104-112 do not stand or fall

together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8)   *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

| 5,613,012 | Hoffman et al | 3-1997 |
| 6,148,067 | Leipow | 11-2000 |

(10)   New Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 54-63 and 104-112 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hoffman et al (U.S. Patent No. 5,613,012) in view of Slotznick (U.S. Patent No 5,983,200)

3.   As per claims 54, 60, and 61, Hoffman et al teach a method comprising determining at

least one attribute *(biometric sample/information)* related to the unknown party, comparing

(comparing) the attribute for the unknown party with attributes related to a plurality of known

parties *(stored biometric information/sample)*, and identifying *(identifying)* the unknown party as

the known party having the attribute which most closely matches that of the unknown party and a

signal bearing media bearing the program *(see abstract, fig 1 and 2, column 7 line 50-59,8 line

11-51, 9 line 11-44, 12 line 23-13 line 34, 71 line 5-20, claim 1)*. Hoffman et al fail to teach an

inventive concept of identifying an unknown party interacting with an intelligent agent.

However, Slotznick teaches an inventive concept of identifying an unknown party interacting

with an intelligent agent *(see abstract, column 13 line 36-14 line 13, 17 line 35-67*. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was made to

modify Hoffman et al's inventive concept to include Slotznick inventive concept of identifying

an unknown party interacting with an intelligent agent because this would have assisted the

human being in applying the functional capabilities of computer systems in order to reducing the

amount of interaction between human and system, freeing a human for other concerns and

activities that humans are uniquely good at, including decision-making, situation assessment,

goal-setting, etc.; and reducing a user's requirements for training and knowledge, allowing the

human operator to devote more training on domain knowledge and skills and less on computer-

system knowledge and skills.

4.   As per claims 55 and 108, Hoffman et al teach a method of comparing the plurality of

attributes for the unknown party with those of the plurality of known parties (*see abstract, fig 1*

and 2, column 7 line 50-59).

5.   As per claims 56 and 109, Hoffman et al teach a method of accessing a database

including a plurality of records, each record associated with a known party and including the

plurality of attributes related thereto (*see column 9 line 11-44, claim 1*).

6.   As per claims 57, 104, 105 and 110, Hoffman et al teach a method of calculates an

accumulated weighting factor for each known party by summing the weighting factors of the

attributes of the known party which match those of the unknown party, and wherein the

identifying step identifies the unknown party as the known party with the largest accumulated weighting factor (*see abstract, fig 1 and 2, 8 line 11-51, 9 line 11-44*).

7.   As per claims 58, 106 and 111, Hoffman et al teach a method wherein the plurality of attributes is selected from the group consisting of an agent name, a client name, a bank name, a bank account number, a credit card number, a home base location, an agent program name, a location or name of a source with which the unknown party communicates, and combinations thereof (*see column 7 line 50-59,8 line 11-51*).

8.   As per claims 59, 107, 112, Hoffman et al teach a method of scanning program code for the unknown party to determine attributes thereof (*see abstract, column 71 line 5-20, claim 1*).

9.   As per claims 62 and 63, Hoffman et al teach a program product wherein the signal bearing media is transmission recordable type media (*see abstract, fig 1 and 2 12 line 23-13 line 34*).

(11)   Response to Argument

      Applicant's arguments with respect to claims 54-63 and 104-112 have been considered but are moot in view of the new ground(s) of rejection based on a new found art.
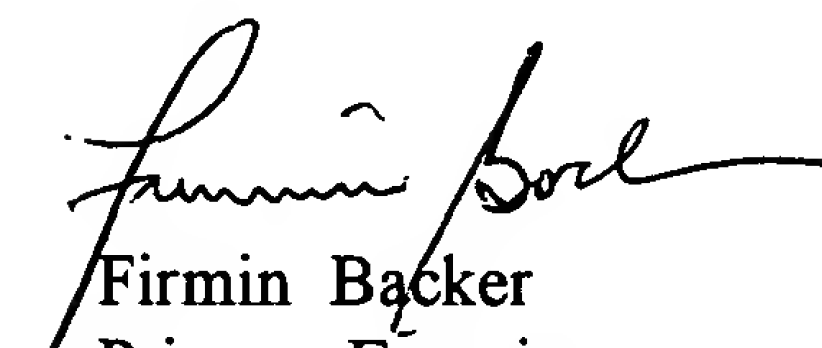
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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January 7, 2005

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